

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMINGOS LUGAO PETROCELI,

Plaintiff,

-against-

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

1:21-CV-3675 (LTS)

ORDER DIRECTING PAYMENT OF
FEES OR AMENDED IFP
APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*, seeking to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”). For the reasons discussed below, within 30 days of the date of this order, Plaintiff must either pay the \$402 in fees that are required to file a civil action in this court or submit an amended IFP application.

To proceed with a civil action in this court, a plaintiff must either pay \$402 in fees – a \$350 filing fee plus a \$52 administrative fee – or, to request authorization to proceed without prepayment of fees, submit an IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff filed an IFP application, but he has not fully completed it. Plaintiff states in his IFP application that he is not incarcerated or employed, and that he has not received any income more than \$200 in the past 12 months. But he does not answer the application’s questions asking whether he: (1) has any money in a bank account and, if so, the amount; (2) has any other assets and, if so, their values; (3) has any expenses, debts, or other financial obligations and, if so, their amounts; or (4) financially supports anyone else and, if so, how much.

Because of Plaintiff’s failure to fully answer the questions about his financial status, the Court does not have sufficient information to make a determination concerning Plaintiff’s ability to pay the fees. Accordingly, within 30 days of the date of this order, Plaintiff must either pay the

\$402 in fees to commence this action, or complete, sign, and submit the attached amended IFP application in which he must fully disclose his financial status by clearly answering all of the application's questions. If Plaintiff submits the amended IFP application, it should be labeled with docket number 1:21-CV-3675 (LTS). If the Court finds that Plaintiff now possesses the funds to pay the fees, he may be required to do so.

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket. If Plaintiff complies with this order, this action shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the Court will dismiss this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 25, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge